UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/2000/10
27 September 1999

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-sixth session
Item 9 of the provisional agenda

QUESTIONS OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Report of the High Commissioner for Human Rights on the situation of human rights in Kosovo, Federal Republic of Yugoslavia

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Introduction

1. The situation of human rights in Kosovo has lately been the subject of continuous attention of the members of the Commission on Human Rights and the international community. At the outset of the crisis, in March 1999, the High Commissioner dispatched a personal envoy to the area along with Mr. Jiri Dienstbier, the Special Rapporteur. The High Commissioner also established the Kosovo Emergency Operation (KEO) with deployments in Albania, the former Yugoslav Republic of Macedonia and Podgorica (Montenegro, Federal Republic of Yugoslavia (FRY)). The purpose of these deployments was to register concern for the human rights situation then prevailing in Kosovo and to gather first-hand information about those violations for the purpose of accountability. During the fifty-fifth session of the Commission, the High Commissioner submitted weekly reports as the situation evolved. Since the end of the Commission, she has also visited the area on two occasions.

2. In its resolution 1999/2, the Commission requested the High Commissioner to report to it urgently on the situation of human rights and the humanitarian crisis relating to Kosovo and on the implementation of the provisions of its resolution. Pursuant to this request, the High Commissioner submitted a report to the Commission on 31 May (E/CN.4/2000/7). The High Commissioner is now submitting a consolidated report which has a triple purpose: to present to the Commission the major findings of the Kosovo Emergency Operation, drawing on its database for the collection and analysis of information; to update the Commission on the evolving human rights situation in Kosovo; and to offer some observations and recommendations for consideration. The first part of the report deals with the situation prior to the withdrawal of Serb forces from Kosovo on 10 June; the second part deals with the situation from June to August 1999.

I. FINDINGS OF THE KOSOVO EMERGENCY OPERATION

A. Methodology

3. OHCHR-KEO sought to interview refugees of diverse geographic backgrounds, with a view to achieving an overall picture of the human rights situation in Kosovo. In order to be able to verify facts and reports of violations, corroborate testimonies and reconstruct patterns of violations, efforts were made also to interview a reasonable number of refugees from each geographic location.

4. Priority was given to quality as opposed to quantity. OHCHR staff, including human rights monitors provided by the Governments of Switzerland and Norway, conducted a total of 273 in-depth interviews in Albania and the former Yugoslav Republic of Macedonia, while another OHCHR team gathered information in Montenegro. Considerable time was spent in each interview in order to build trust and get the witnesses/victims to provide many details which, in turn, were useful to assess the reliability of the information provided.

5. From the moment they left their houses to the moment they crossed the border to the former Yugoslav Republic of Macedonia or Albania, refugees lived an odyssey through the mountains and villages of Kosovo, witnessing and/or

suffering countless human rights violations. By conducting in-depth interviews, OHCHR has sought to obtain full accounts of the events witnessed and abuses suffered by the interviewees.

6. The use of the database has been crucial to identifying all the interview records referring to the same events, comparing them with each other and obtaining a reliable reconstruction of the facts.

B. Displacement and deportation of ethnic Albanians from Kosovo

7. Human rights violations were among the root causes of the mass exodus of more than 1 million ethnic Albanians from Kosovo. Out of 273 refugees interviewed, only 1 reportedly left his village out of fear of North Atlantic Treaty Organization (NATO) bombs, while all the others described how they were compelled, either by direct violence or by intimidation, to leave their homes.

8. Different patterns of displacement and deportation emerged from the interviews conducted by OHCHR-KEO. Trends of displacement vary considerably from area to area. Cases which are particularly significant both for the number of people involved and for the events which accompanied the displacement and deportation are reported below.

1. Pristina

9. Twenty-six per cent of refugees interviewed by OHCHR-KEO were habitual residents of the municipality of Pristina. After NATO launched the air campaign, the security situation in the streets of Pristina deteriorated rapidly and some of the inhabitants decided to leave owing to the general lack of security. However, numerous interviewees also reported that a comprehensive and systematic expulsion campaign was begun at the end of March by Serb military and police units in predominantly Albanian neighbourhoods of Pristina 1/ and adjacent villages. 2/

10. In the majority of cases Albanians were expelled from their apartments during house-to-house raids conducted by Serb forces. Many interviewees reported being escorted to the railway station and then forced onto trains heading for the border. It appears that a corridor was left open by Serb forces for people to flee to the Golak and Lap regions, with some people even being ordered to flee in that direction. Some interviewees estimated that more than 100,000 internally displaced persons (IDPs) headed for these regions from the municipalities of Pristina and Podujevo. In mid-April, Serb forces undertook a major offensive in these regions, well known for being strongholds of the Kosovo Liberation Army (KLA). The inhabitants and the large IDP population were targeted directly and the attacks resulted in a large number of civilian casualties. 3/

11. The inhabitants of the Golak and Lap regions, together with IDPs, were forced by these attacks to head for Pristina. When IDPs reached Pristina, the police ordered Podujevo residents to go back to their homes while the other IDPs were allowed to remain. Many of them eventually decided to go by train or by bus from Kosovo Polje to the border of the former Yugoslav Republic of Macedonia owing to harassment, intimidation and abuse by groups of Serb police and paramilitary personnel.

2. Podujevo

12. Ethnic Albanians were forcibly displaced from Podujevo municipality by methods similar to those used in the municipality of Pristina. In the town of Podujevo, Serb troops evicted Albanians from their homes at gunpoint, while a significant number of villages with predominantly Albanian populations 4/ were shelled and later entered and destroyed by infantry forces. These operations were systematically undertaken in the period March/April and caused a large influx of IDPs to the Lap and Golak regions. Many people from Podujevo were sheltering in the villages of Kolic and Mramor at the time when Serb forces attacked these villages in mid-April.

3. Mitrovica

13. In Mitrovica, Albanian intellectuals and political activists were targeted, soon after the beginning of the NATO bombing campaign, according to a list allegedly prepared by the police with the help of Serb civilians. Some were evicted from their homes by the police while others went into hiding after receiving reports of deliberate killings of Albanian intellectuals.

14. The Ibar river divides the town of Mitrovica in half: the northern side was predominantly Serb, the southern predominantly Albanian. IDPs interviewed by OHCHR described a system of ill-treatment of Mitrovica's Albanian population that combined wholesale violence, harassment, and a uniquely strategic process to support intimidation and forced expulsion. During the war food was available only on the northern or "Serb" side of the city, and the road to obtain food, narrowed to one path because of the bridge, was a gauntlet of attack and humiliation.

15. Serb police and paramilitary forces launched an extensive ethnic cleansing operation in Mitrovica town and surrounding villages on 15 April. Some 70,000 Albanians were rounded up in the centre of Mitrovica and eventually forced to walk for several days towards the Albanian border, escorted by paramilitary troops. When the convoy reached Gremnik, the paramilitary troops ordered thousands of IDPs back to Mitrovica, while the rest were deported to Albania.

16. From the beginning of May onwards, paramilitary troops started raiding Albanian homes in Mitrovica and surrounding villages. People were rounded up in large numbers and young men were arrested, detained, interrogated, and some eventually deported by bus to Albania.

4. Orahovac

17. A few days before the beginning of the NATO air campaign, paramilitary groups launched an offensive against several villages in the municipality of Orahovac. Attacks intensified towards the end of March. During the offensive inhabitants and IDPs sheltering in the area were forcibly evicted from their homes and, in some instances, ordered under threat to leave for Albania. IDPs were then escorted to the border or forced into buses going to Prizren, from where they were ordered to walk the remaining distance to the border.

18. Reportedly, several thousand 5/ IDPs were rounded up in the town of Belanica and prevented from escaping by encircling attacks on villages 6/ in adjacent areas. At the beginning of April, Serb forces eventually entered Belanica and forced residents and IDPs to walk towards the Albanian border. Some days later, paramilitary and police forces undertook a brutal military offensive in the village of Pusto Selo. All the remaining villagers and IDPs, mostly women and children, were expelled from their homes and rounded up in a field. Women and children were ordered to walk to Ratkovac and from there to Albania.

5. Liplian

19. In mid-April, army and police forces together with local Serbs started an offensive against several villages in the area. 7/ Serb forces systematically burned down Albanian houses. Local Serbs painted the symbol of Serb unity 8/ on the walls of Serb-owned houses in Slovinje to have them spared from arson.

6. Urosevac

20. In Urosevac the police targeted Albanian intellectuals, such as trade union leaders, journalists, prominent members of the Democratic League of Kosovo (LDK) and civil rights activists. Some of them were forced to flee to avoid persecution. Upon their departure their houses were destroyed. The office of the LDK, the non-governmental organization "Mother Theresa", and the former office of the Organization for Security and Cooperation in Europe (OSCE) were blown up. At the end of March some of the neighbourhoods of Urosevac were shelled by regular army (VJ) forces, while Serb military troops undertook house searches in another part of the town, evicting people and subsequently setting their houses on fire.

21. At the beginning of April, VJ troops together with paramilitary forces undertook a massive offensive against a considerable number of villages 9/ in the municipality. Some villages were shelled 10/ and then entered by paramilitary infantry who set abandoned houses on fire. Inhabitants of these villages 11/ fled to Urosevac town, where Albanians were allegedly denied the right to buy food in shops. The lack of food further pushed IDPs to leave by train or by bus for the border.

7. Suva Reka

22. Immediately after the beginning of the NATO campaign, paramilitary forces undertook a brutal offensive against the Albanian population in the city of Suva Reka. People were systematically driven from their homes during a three-day offensive and many houses were destroyed. Paramilitary troops forced most of the population to leave in different directions. 12/ Serb forces repeatedly attacked the villages of the municipality in April and at the beginning of May. During these attacks, inhabitants were displaced and gathered in KLA-controlled areas in the mountains. 13/ Serb forces repeatedly shelled these positions forcing the KLA to withdraw and to leave the group of IDPs behind. Serb forces entered the area in the middle of May and IDPs were forced to move to Suva Reka. The arrivals were directed to the bus station and taken by bus to the Albanian border. 14/

8. Glogovac

23. VJ and special police, together with paramilitary groups, started a large-scale offensive throughout the municipality of Glogovac some days before the beginning of the NATO campaign. People from a number of villages 15/ fled and gathered in the village of Cirez, Srbica municipality. The forces rounded up IDPs in Cirez, separated men from women and children, and ordered people to walk towards Glogovac town. The column was escorted by tanks and troops. Later, IDPs decided to return to their villages in search of food, not available in Glogovac. In another brutal offensive villagers were rounded up and again forced back to Glogovac town. In May, paramilitary groups conducted several house-to-house raids during which many people were robbed and some killed. The police denied the requested protection to the residents and the IDP population sheltering in town. Due to these circumstances, inhabitants and IDPs boarded buses heading for the border.

9. Srbica

24. At the end of March, Serb military forces undertook joint offensives throughout the municipality of Srbica. Villages were shelled by military forces and then entered and set on fire by police and paramilitary groups. Inhabitants of several villages 16/ fled to Cirez, where a large number of IDPs from the municipality of Glogovac had already taken shelter. Serb forces surrounded, shelled and eventually entered Cirez. IDPs were gathered into columns and forced to head for Glogovac escorted by Serb forces.

25. Serb forces used the same tactics in other villages 17/ of Srbica municipality: inhabitants were forced to the mountains and to the villages of Rakitnica and Tusilje. At the end of March, Serb forces entered these villages and forced a group of IDPs to Prizren, from where they were taken to Albania by bus, while another group of IDPs was ordered to head back to Tusilje. The IDP population continued to increase in Tusilje. In mid-April, Serb forces once again stormed the village and forced inhabitants and IDPs to walk in columns to Prizren, from where they were brought to the border by bus. A large number of men from the municipality were brought to Mitrovica for interrogation before being eventually taken to the Albanian border-crossing point.

10. Kacanik

26. In Kacanik, before 24 March, army groups shelled several villages. 18/ Most of the villagers fled to Kacanik town or took temporary shelter in the mountains. At the end of May, the intensive shelling and the build-up of Serb forces in the area of Vate made the population flee the village in a long convoy. Serb forces let the convoy proceed, through their checkpoints, to the border. As they left, IDPs witnessed Serb forces enter Vate and set houses on fire.

27. The KLA was reportedly present in the town of Kacanik when the NATO campaign was launched. Serb police forces and paramilitary groups searched the town for KLA activists and other Albanian intellectuals. As a result of these activities and the general climate of violence in town, a large 19/ number of people fled to a KLA-controlled area north of Kacanik. At the end

of March, Kacanik was attacked from the north and south by the army and the police. The attack lasted for some days and resulted in a large number of civilian casualties and in a mass exodus of civilians to the former Yugoslav Republic of Macedonia.

11. Djakovica

28. From 24 March until 2 April, special police action, originating from Djakovica itself, drove Albanian residents towards the periphery and towards villages in the south, as well as towards Prizren. From 3 April until 6 May, IDPs were driven further towards Albania by the police. On 7 May, a Serbian offensive began in Cabrat, which eyewitness testimony described as a combination of special police and paramilitary activity, characterized by mass arrests and detention of military-age men, including teenagers, burning of homes, and summary executions in house-to-house actions. From 7 May until 14 June, Djakovica was completely blockaded, its population driven into concentrated areas within the city, whereupon the police conducted mass registration of residents and began selected arrests.

C. Killings/executions

29. The displacement and expulsion of ethnic Albanians from Kosovo occurred in a climate of lawlessness and total disregard for human life and dignity which resulted in an extremely high level of violence.

30. According to several sources, and to the appalling discoveries made by the international security force in Kosovo (KFOR) and the United Nations Mission in Kosovo (UNMIK) upon the return to Kosovo, as many as 10,000 Kosovo Albanians died during the period of the NATO campaign and several thousand remain missing. The majority of refugees interviewed by OHCHR indicated having witnessed at least one incident in which one or more individuals died a violent death.

31. In some instances, civilians died as a result of military actions and indiscriminate shelling against towns and villages. It was especially vulnerable and elderly people, incapable of leaving their homes or unwilling to do so, who died in these circumstances. 20/ However, only a small number of cases reported refer to incidents of this nature.

32. About 10 per cent of the cases reported refer to orchestrated actions conducted by military, police and paramilitary forces in order to gather crowds of fleeing Kosovo Albanians in specific locations where the latter were subsequently robbed and executed. 21/

33. Almost one third of the cases reported refer to random executions of civilians perpetrated mainly by police and paramilitary forces. In many instances, men of military age were killed at police checkpoints upon presentation of their identification documents, because they had come from areas believed to be KLA strongholds. When villages and towns were besieged, civilians became victims of appalling acts of violence at the hands of Serbian military, police and paramilitary forces. In these circumstances, many individuals were reportedly robbed, questioned, tortured and, in some cases, killed in their own houses. 22/

34. Kosovo Albanians were also targeted by virtue of their real or supposed affiliation with political associations or because they were believed to support NATO intervention in Kosovo. 23/

35. Many displaced Kosovo Albanians decided to return to their villages in search of food, valuables or relatives and friends they had left behind and were killed by Serbian soldiers who had resettled in their homes and/or established control over the village. 24/

36. Many of the reported killings occurred in the process of displacement itself, in what seemed to be an attempt to gather and keep under control crowds of terrified civilians and to speed up the process of departure, as well as to show determination and to intimidate those who were reluctant to leave. Reportedly, in many cases, shots were fired into crowds of civilians, houses were set on fire and those who tried to escape were shot at and killed. 25/

37. A considerable number of the killings reported to the KEO refer to incidents in which police and/or paramilitary and/or army forces attacked groups of IDPs hiding in the mountains or proceeding to the border in convoys. Sometimes fire was opened against civilian convoys, while in other instances individuals were picked out of the crowd and executed. 26/

38. A small number of the executions reportedly appear to have been perpetrated by Serb forces in response to KLA activities or by way of revenge or reprisal against KLA offensives. In some instances it also appears that civilians who had sought KLA protection in the mountains died as a result of fighting between KLA and Serb forces, or were captured and killed by Serb forces upon retreat of the KLA. 27/

39. One case of execution of an ethnic Albanian by the KLA was reported to OHCHR-KEO. The man was suspected of collaborating with Serb forces and was killed at a KLA checkpoint close to Kacanik the day after he had allegedly buried bodies of KLA soldiers killed in fighting against Serb forces.

40. The corpses of executed Kosovo Albanians were either buried by civilians (sometimes upon explicit demand by the perpetrators) or KLA soldiers, or taken away by Serbian forces. In other instances Serb forces reportedly returned to the place of massacres, dug out bodies previously buried in secret by civilians and took them away. Many refugees declared having observed tractors or trucks carrying piles of dead bodies driven by Serbian police to unknown destinations. OHCHR heard testimonies and saw evidence of deliberate burning of bodies, while on different occasions Serb forces were observed digging mass graves. 28/ Romas were reportedly often involved in the transport and burial of corpses. 29/

41. The majority of the killings documented were allegedly carried out by paramilitary and police forces with the cooperation or complicity of the army. However, in a few cases, police officers reportedly stopped paramilitary forces from committing crimes and cruelties against ethnic Albanians. 30/ Paramilitary groups and special police units were described as wearing camouflage or black uniforms, gloves, black masks, and some of them wore red scarfs and had shaved heads and wore a red insignia with a white eagle on

their uniforms. Some refugees have explicitly described the paramilitaries as "Arkan's troops", while others have reported the involvement of "Seselj" troops in the killings. Some ethnic Albanians claimed that Serbs from neighbouring villages participated in abuses against them. Russian mercenaries have also been reported to be present and active in Kosovo on the side of Serb forces. 31/

42. It appears that the action of paramilitary troops was characterized by a very high level of violence and cruelty. Paramilitaries were allegedly responsible for the killings of women and children, for stabbing people and for mutilating dead bodies.

D. Violence against women and children

43. Twenty-two per cent of the incidents reported involved children, while 17.5 per cent of the cases referred to violence against women.

44. Both women and children were victims of killings and executions. In particular, several cases were reported in which women died as a result of indiscriminate shootings into crowds of civilians, while in a few reported cases women were picked out of convoys and executed. Children have been deliberately targeted in several circumstances. 32/

45. Twenty per cent of refugees interviewed reported incidents in which women and children were separated from male relatives and exposed to mistreatment. 33/ In several instances, women and children were beaten by the police during house-to-house raids. 34/ Incidents of forced labour have also been reported in which boys as young as 15 have been obliged by Serbian forces to dig trenches. Furthermore, it appears that young boys suspected of being KLA members were questioned, tortured and sometimes killed regardless of their age. 35/

46. Children and women have also been victims of episodes of discrimination: for example, women giving birth were denied medical assistance and injured children were refused treatment.

47. Fourteen interviewees spoke of confirmed or suspected rape and several cases of sexual assault. Considering the cultural stigma attached to sexual violence in the Albanian culture, it is reasonable to assume that the number of incidents of this nature may be higher than reflected in public reports. 36/

48. In some instances, women were reportedly raped in their houses when their villages were under siege. 37/ In other cases women were taken away and raped by Serb soldiers after attacks on groups of IDPs. Cases of rape on the train to the border or at the railway station in Pristina 38/ were also reported. Allegedly a woman was raped by a paramilitary soldier at the hospital in Gnjilane where she was being treated for injuries suffered in a grenade explosion. In several reported cases women were asked to hand over money and other valuables in order not to be sexually abused.

49. OHCHR-KEO also recorded accounts of immoral and intimidating behaviour towards Albanian women by Serb military and police personnel. For example,

women have been ordered to undress during confiscation of valuables, addressed with sexual language and sometimes touched and fondled in an intimidating manner.

50. According to numerous reports, there appear to have been a pattern of mutilating women by cutting off their ears and fingers. 39/ At this stage it is difficult to determine whether this macabre ritual had a particular significance or was merely an act of sadism.

E. Arbitrary arrest and detention

51. Twenty-three per cent of refugees interviewed suffered or directly witnessed incidents of arbitrary arrest and detention. Arbitrary arrests and detentions occurred according to a similar pattern throughout Kosovo. However, the frequency and circumstances of the incidents varied according to the overall situation in the area of apprehension and adjacent areas.

52. Men of military age throughout Kosovo were often separated from their families and detained on mere speculation of being KLA members, KLA collaborators, or with the simple aim of obtaining information. In many cases, mass arrests of men followed Serb military offensives against Albanian villages. Inhabitants and IDPs were encircled by Serb forces in their villages, or intercepted as they tried to flee, and captured. They were detained for a brief period at assembly points, sometimes transported to detention centres and eventually jailed for longer periods in regional prisons.

53. Large numbers of men were captured by paramilitary groups and special police forces during mopping-up operations against villages 40/ in the municipalities of Glogovac and Srbica. The mosque in Cirez 41/ functioned as an assembly point. At the end of April, these men were escorted by Serb troops to Glogovac, transported to the police station in Pristina and then to a location known as "Building 92". Prisoners were eventually transferred to the prison in Lipljan. Some men were released and deported to the former Yugoslav Republic of Macedonia on 30 May.

54. Some of the detainees stated that they were charged with terrorism while still in Pristina, while others claim to have been forced to sign confessions.

55. The arrest and detention of men from the municipalities of Podujevo, Pristina and eastern parts of Vucitrn followed a slightly different pattern, although the purposes of detention seem to have been the same as mentioned above. Mass arrests of men occurred in locations where large convoys of IDPs were expected to move in an attempt to escape heavy bombardment or mopping-up operations. Especially during the month of April, large numbers of men were arrested and detained in the villages of Lukare and Grastica. 42/ Large IDP convoys 43/ were at that time heading for Pristina escorted by paramilitary groups. Convoys were blocked by special police and detained for hours, sometimes for days. During this time paramilitary troops searched people for valuables and interrogated men. Many men were not released and their fate is unknown.

56. Serb special police troops maintained a checkpoint near Pristina, in the village of Vrani Do, where Albanian men were separated from their families and held back in large numbers. 44/ Interrogation of the detainees took place in a designated house near the road. Family members were forced by the police to continue towards Pristina. After hours of interrogation the prisoners were taken in buses to Pristina and detained further in "Building 92" or released. Eventually some detainees were transferred to the prison in Lipljan.

57. The Albanian population of Vucitrn town and adjacent villages was forcibly gathered in a field, where men were separated from women, children and the elderly and taken by bus to a jail in the village of Smrekovnica. In a similar incident inhabitants were gathered in an agricultural cooperative and subsequently taken to the same detention centre.

58. Men abducted in Mitrovica and adjacent areas in the municipality of Srbica were transferred, after interrogation in Smrekovnica, to an improvised prison in the technical school in Mitrovica for further questioning. After being detained for up to a month, a group of prisoners were deported to the Albanian border in buses at the end of May.

59. Albanian intellectuals, human rights lawyers and activists, politicians and others were arbitrarily arrested and detained throughout Kosovo. Some were killed in detention while many others are still missing.

60. A group of young men were reportedly captured after an offensive against a village in the municipality of Urosevac. The men were subjected to forced labour and detained near Serb troops as human shields. Ethnic Albanians were allegedly used as human shields also in the village of Stutica, near Glogovac town, in mid-April. In some villages in the municipality of Vitina, there were reports of people held in "house arrest" as human shields to protect Serb military vehicles and tanks. Reportedly, large columns of IDPs were escorted by Serb paramilitary troops and police from Mitrovica to Albania and then some of the IDPs were compelled to head back in order to "protect" with their bodies military convoys from NATO bombs.

F. Torture and maltreatment

61. Sixty nine per cent of the refugees interviewed stated that they had witnessed or personally suffered torture or other cruel, inhuman and degrading treatment at the hands of Serb forces.

62. The vast majority of cases of torture reportedly occurred in detention, with the purpose of extracting information or confessions from the detainees. OHCHR-KEO interviewed some of the prisoners who were released and deported to Albania and the former Yugoslav Republic of Macedonia towards the end of the NATO campaign. They stated that they had been separated from their families and temporarily detained at different locations until they were transferred to a regular prison. Torture occurred at the place of apprehension and at assembly points where men were detained pending transfer to a detention centre or prison. 45/

63. Several refugees reported severe beatings with wooden and metal poles in "Building 92" in Pristina. Detainees were taken to different locations in

Pristina for questioning and reportedly torture occurred during interrogation. 46/ Detainees were regularly beaten by guards. Reportedly some were put in a cell with cold water up to their knees for a night.

64. Some of the detainees were transferred to the prison in Lipljan, where similar treatment was inflicted on them. Corroborating statements describe how a former Serb criminal, working as a barber in the prison of Lipljan, continuously beat and harassed the prisoners.

65. Refugees reported that prison conditions in Smrekovnica, Pristina and Lipljan were inhumane. Men were detained in cold cells without beds or blankets. Cells were overcrowded and prisoners were only given bread and far too little water. 47/

66. Some of the most serious cases of torture reportedly occurred in Urosevac, in a private house previously used as a café. Young Albanian men were detained in the cellar of the house and occasionally brought to the upper floors for interrogation about KLA activity. Some victims were reportedly held for several days in the cellar immersed in water up to the knees. During interrogations, detainees were severely beaten with wooden sticks and some were allegedly given electric shocks. Some of the victims were hospitalized in refugee camps in the former Yugoslav Republic of Macedonia for injuries received as a result of the beatings.

67. A few cases of mock executions were reported to OHCHR-KEO. 48/ In other instances the systematic confiscation of valuables by paramilitary groups from IDP convoys was accompanied by particularly sadistic and brutal acts. In Grastica, through which 100,000 people passed in mid-April, paramilitary personnel indiscriminately stabbed people's arms and legs.

G. Destruction of property

68. About half of the refugees interviewed reported large-scale destruction of property at the hands of Serb forces, especially burning of Albanian-owned houses. Towns and cities were not heavily affected by the destruction, although Albanian neighbourhoods were in some instances attacked and houses burned down. More often, premises and properties of intellectuals, political activists and suspected KLA collaborators were preferred targets, as well as houses and apartments which had been rented by officers of the OSCE Kosovo Verification Mission.

69. Following military offensives, villages with predominantly Albanian populations were systematically burnt down by Serb troops. In many cases interviewees observed from hiding places in the hills Serb troops entering villages and setting houses on fire. Along with houses, barns with hay, remaining tractors and agricultural equipment were burnt as well. Villagers who returned after the withdrawal of Serb forces found livestock killed or disappeared, while corpses were sometimes thrown into wells to contaminate drinking water.

70. Many Kosovo Albanians had their personal documents torn apart by Serb troops during the eviction, at police checkpoints, at the border or elsewhere in the course of searches by police, army or paramilitary forces. It appears

that all of these acts of destruction were aimed at preventing Albanians from returning to and resuming life in their places of residence. The destruction of property was apparently not solely an act of vandalism but an attempt at wiping out signs of the presence of the Albanian population in Kosovo, as well as its national and cultural identity.

H. Confiscation of property

71. The majority of interviewees also reported confiscation of property by Serb forces. Confiscation took place during raids into Albanian homes. Serb troops went from house to house in villages and towns, people present in the houses were searched and deprived of money and other valuables, and cars and tractors were confiscated.

72. Serb police and paramilitary groups intercepted large groups of IDPs and forced them to surrender money, jewellery, cars, tractors and other valuables at gunpoint. Paramilitary groups occasionally stabbed or shot IDPs who failed to meet their demands and threatened to kill hostages captured on the spot if family members could not pay the demanded amount of money. 49/

73. A few cases of extortion of money from Albanians at border crossing points were also reported. Furthermore, IDPs were often ordered to abandon their vehicles before they were allowed across the border. Car documents and license plates were in some cases confiscated. Numerous cars were allegedly stripped and parts transported away in trucks to be sold elsewhere. Personal documents were also confiscated at border crossing points.

74. Abandoned Albanian houses were systematically and extensively looted for movable property. As the Albanian population fled their villages, Serb infantry systematically loaded goods onto trucks before setting houses on fire. In some instances Roma civilians allegedly assisted Serb forces in transporting confiscated goods.

I. The KLA factor

75. OHCHR has to date been unable to gather reliable and impartial information on the role played by the KLA during the 11 weeks of the NATO campaign. However, from interviews conducted by OHCHR-KEO it appears that during that period, the KLA was actively involved in fighting against Serbian forces in several areas of Kosovo. Moreover, in some instances civilians allegedly sought KLA protection by resettling close to KLA positions, and KLA soldiers moved to urban areas or fled the country by mingling with crowds of displaced civilians. This circumstance might have negatively affected the attitude of Serbian forces towards civilians. At this stage it is impossible to determine whether and to what extent the "KLA factor" weighed upon the events which took place in Kosovo.

J. Impact of the armed conflict on civilians

76. Outside Kosovo, the NATO air strikes were especially intensive in and around the densely populated centres of Vojvodina, southern Serbia, and in Belgrade itself. Several city centres suffered from missile or cluster bombs attacks. Repeated attacks on Nis resulted on 7 May in the deaths of

15 civilians when cluster bombs exploded over the city market and central hospital. In Aleksinac, 12 civilians were killed and more than 40 wounded when bombs struck downtown housing blocks and commercial premises on 5 April. In Novi Pazar, 13 were killed and 35 wounded in an attack that destroyed 25 buildings in the city's residential centre. Many civilians, including 27 children, died in repeated strikes to Surdulica and Kursumlija. 50/ Strikes on bridges and means of transportation resulted in the deaths of 55 persons on a passenger train travelling through Grdelica gorge (12 April); 60 persons when a bus was hit on a bridge near Luzani (1 May); 20 persons when a bus travelling between Pec and Rozaje was hit (3-4 May). Large convoys moving through Kosovo were attacked by air, resulting in the deaths of 87 IDPs at Korisa on 14 May; exactly one month earlier, 75 persons, including 19 children, died when missiles struck refugee columns on the Djakovica-Prizren road.

77. Following NATO attacks on fuel reserves, severe restrictions on fuel imposed by the authorities brought civilian life to a standstill. Fuel is now being rationed in Serbia. Many parts of the country were often without electricity and water, and restrictions and shortages continue. Throughout the FRY, damage done to the infrastructure of public utilities threatens an extremely difficult winter.

78. During the war, the formal declaration of martial law gave men in uniform, specifically officials of the Ministry of the Interior, vast powers over most areas of civil activity. Moreover, even in areas where such power was not formally extended to the military by the civil authorities, OHCHR noted that Yugoslav Army and Serbian police either took or were granted effective control. The Republic of Montenegro did not recognize the declaration of martial law, but actions by the Yugoslav Army on the territory of Montenegro challenged and threatened civil authority in that Republic. 51/

79. Within the FRY, restrictions on information inherent in martial law placed the army in control of public information management. Radio and television towers were bombed, as were the Belgrade headquarters of Radio Television Serbia. Throughout the FRY, foreign and domestic journalists were brought to "informative talks", detained, imprisoned, and charged in proceedings before military courts. In Montenegro, the Yugoslav Army attempted forcibly to conscript journalists from independent media.

80. In the Republic of Serbia federal authorities were denied the immunity of elected or appointed officials by attempts to mobilize them, and the army further moved to arrest several officials in Serbia and Montenegro for refusing mobilization notices. Changes to the Law on Criminal Procedure removed many legal protections of the accused and substituted expedited procedures that allowed, for example, for searches without prior warrants, and police investigations without prior request of the court or State prosecutor.

81. In many towns in south-eastern Serbia-Preshevo, in particular, but also Leskovac and Vranja-Albanian inhabitants were arrested en masse during the war but were cut off from advocacy, as Serbian human rights and media activists from those regions were also targeted before and after 24 March. The Albanian advocacy network, which is so strong throughout Kosovo, effectively stops at the border. 52/

II. RE-ESTABLISHMENT OF THE ROLE OF OHCHR IN KOSOVO AFTER 10 JUNE 1999

A. Return to Kosovo

82. On 10 June 1999, following confirmation by NATO of the withdrawal of security forces of the FRY from Kosovo and the subsequent suspension of NATO air operations against the FRY, the Security Council adopted resolution 1244 (1999) of 10 June 1999 which authorized the Secretary-General, "with the assistance of relevant international organizations, to establish an international civil presence in Kosovo in order to provide an interim administration for Kosovo". The resolution also provided for the establishment of an international security presence.

83. Following these developments, and in light of the return of refugees to Kosovo, the Kosovo Emergency Operation was officially terminated and OHCHR-FRY staff members returned to Kosovo with the advance team of the United Nations Interim Administration Mission in Kosovo (UNMIK). The head of OHCHR-FRY had already been in Kosovo since May under a temporary secondment as special adviser on human rights to the acting Special Representative of the Secretary-General.

B. Cooperation and coordination with other actors

84. On 21 June, the High Commissioner convened an informal consultative meeting assembling international organizations with an interest in human rights to commence the process of discussion of long-term strategies for the promotion and protection of human rights in the Balkan region, with a special focus on Kosovo. Following the interest expressed by all the participants in continuing consultations and in increasing cooperation between different organizations on the ground, a second consultation was held in Geneva on 28 July 1999. Similar meetings will be held in the future.

C. Visits to Kosovo by the High Commissioner and the Special Rapporteur

85. On 30 June the High Commissioner travelled to Pristina for a one-day visit to Kosovo. In Pristina the High Commissioner met the KFOR Commander, the acting Special Representative of the Secretary-General and other representatives of United Nations agencies. The High Commissioner also chaired a meeting with representatives of the Council for the Defence of Human Rights and Freedoms and the Centre for the Protection of Women and Children. She visited a massacre site at Maticane and met with a Serbian Orthodox clergyman in Kosovo Polje. In Kosovo Polje she also visited a school housing 4,000 Roma fleeing persecution. On several occasions during this visit, the High Commissioner was urged to increase the number of human rights personnel on the ground. In response to this request, additional OHCHR officers were deployed to Kosovo at the beginning of July.

86. Mr. Jiri Dienstbier, United Nations Special Rapporteur on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia, visited Kosovo from 7 to 12 July 1999. During his visit, the Special Rapporteur met with representatives of the newly established United Nations Interim Administration in Kosovo, and OSCE and KFOR

personnel in the various districts. He also discussed the situation with representatives of the KLA, the LDK, local Albanian NGOs, the Serbian Orthodox Church and other ethnic communities in Kosovo.

D. Human Rights Advisory Unit of the Office of the Special Representative of the Secretary-General

87. The report of the Secretary-General to the Security Council of 12 July 1999 (S/1999/779) on the structure of UNMIK provided for the appointment of a senior human rights adviser in the office of the Special Representative of the Secretary-General. The human rights adviser should ensure a pro-active approach on human rights in all UNMIK activities and the compatibility of regulations issued by UNMIK with international human rights standards. OHCHR consulted with the Department of Peacekeeping Operations on the establishment and staffing of the unit, and identified the person appointed as senior human rights adviser.

88. The senior human rights adviser, Mr. William O'Neill, who arrived in Pristina on 2 September 1999, will ensure that priority is given to the establishment of institutions and infrastructures for the promotion and protection of human rights in Kosovo, especially the rights of minority groups.

E. OHCHR-Kosovo

89. As of 24 August 1999, OHCHR had 12 international officers in Pristina and had reopened offices in Belgrade and Podgorica. In Kosovo, building on its country-wide mandate and on long-standing experience in the area, OHCHR will carry out the following tasks:

Following up on investigations initiated in Albania, the former Yugoslav Republic of Macedonia and Montenegro (FRY);

Sharing information, through the OHCHR database, with the United Nations human rights mechanisms for follow-up action;

Maintaining institutional representation in bodies advising on re-establishment of a judiciary in Kosovo;

Maintaining institutional representation in the Task Force on Minority Issues with responsibilities for assessing the situation in the field and devising protection response mechanisms and legal regulatory policies;

Gathering information, in cooperation with ICRC, on the circumstances of arrest of prisoners transferred to Serbia, for follow-up outside of Kosovo;

Gathering information, in cooperation with KFOR, UNMIK, OSCE, UNHCR and ICRC, on persons kidnapped in Kosovo by KLA "police" and "military police" and other non-State actors;

Participating in the subcommission of the Kosovo Transitional Council on detainees and prisoners;

Liaising with human rights NGOs;

Cooperating with OSCE on the possible establishment of an ombudsman's office.

III. THE SITUATION OF HUMAN RIGHTS IN KOSOVO AFTER THE ESTABLISHMENT OF UNMIK

A. Return of refugees

90. Immediately after the withdrawal of Serb forces from Kosovo and the end of NATO bombardments, Kosovo refugees spontaneously and massively started returning to their homes. According to UNHCR figures, as of 24 August 1999, more than 761,000 Kosovars had returned to Kosovo while 6,800 Kosovars remained in Albania, 19,000 in the former Yugoslav Republic of Macedonia, 8,000 in Montenegro and 11,400 in Bosnia and Herzegovina.

91. UNHCR estimates that about 50,000 refugees in the region are awaiting repatriation and that of the returned refugees, 500,000 lack appropriate accommodation for the winter.

B. Exodus of ethnic minorities from Kosovo and "ethnic concentration"

92. When the return of refugees to Kosovo began, it became clear immediately that Serbs, Roma and other ethnic minorities in Kosovo, as well as Albanians perceived as "collaborators", would be the new victims of revenge and ethnic hatred. 53/ It also soon appeared that KFOR and UNMIK would face immense difficulties in protecting these new vulnerable groups.

93. According to Yugoslav sources and still incomplete data, as many as 165,000 Serbs and Montenegrins have left Kosovo since the arrival of the international force, while more than half of Kosovo's estimated 120,000-150,000 Roma population has also fled Kosovo since mid-June. UNHCR reported that as of mid-August, there were only 50,000 non-Albanians left in Kosovo.

94. The reason for this exodus lies in fear, killings, kidnapping, looting of properties, evictions, widespread burning of villages as well as cultural, historical and religious monuments, and other forms of intimidation.

95. Muslim Slavs, including Bosniaks, have also been subjected to harassment, destruction of property and killings. Apparently, at least some of the violence is predicated on or provoked by the use of the Bosniak/Serbian language, instead of Albanian. 54/

96. In Gnjilane municipality there is an ongoing "ethnic concentration process" in which Serbs and Albanians are leaving ethnically mixed villages for ethnically "pure" enclaves, adding to the new group of internally displaced persons. Even within towns, Serbs are retreating to ethnic enclaves. This is similar to the patterns observed in Prizren, Pec, Djakovica

and other areas where Serbs, often elderly, are retreating to Orthodox Church institutions after harassment, looting or attempted burning of their property.

97. In Mitrovica, Serbs are concentrating in the northern part of town and further north towards Serbia proper in the municipality of Leposavic. All Roma are reported to have left the Albanian part of Mitrovica. Continuing tension in Mitrovica, which presents a Mostar-style divided city patrolled by French units of KFOR, has resulted in repeated confrontations between Serbs and Albanians, apparently fueled, at least in part, by excessive media presence.

C. Humanitarian evacuation from Kosovo

98. Given the precarious security situation, many Serbs and Romas have virtually no freedom of movement and are essentially prisoners in their own homes, unable to go out for food, medical care or other needs. This desperate situation has resulted, in some circumstances, in the need for humanitarian evacuation out of Kosovo.

99. OHCHR visited the Orthodox seminary in the centre of Prizren where approximately 180 local Serbs including injured persons, had taken refuge, some more than a month previously. Some Albanians in mixed marriages and about 30 Roma had also taken refuge there. The seminary is heavily guarded by KFOR. On 2 August, UNHCR evacuated 88 Kosovo Serbs to Serbia. UNHCR and KFOR are transporting Serbs still living in their homes to the seminary, and in some cases advising others to move there. Approximately 120 Serbs remain living in their own homes in Prizren. Of those sheltering in monasteries, some are waiting to see if the situation calms down, while others have already decided to be evacuated if international agencies agree that their case meets the criteria for humanitarian evacuation.

100. OHCHR receives frequent requests from family or friends in Belgrade and other areas of Serbia for information about the whereabouts and assistance with evacuation of Serbs, particularly elderly parents, from Kosovo to Serbia proper. Serbs and Montenegrins in Kosovo who want to visit family in Serbia or Montenegro are fearful of travelling either by public transport or private vehicle owing to security concerns. Family members from outside Kosovo are similarly fearful of visiting their relatives in Kosovo owing to the tense security situation.

D. Violations of human rights of minority groups

101. Minority ethnic groups have become victims of human rights abuses in today's Kosovo. From a first assessment of the situation made by OHCHR, it appears that some individuals have been carefully targeted for revenge - indeed, that life and career histories have, over time, been assembled, based on rumour or fact or unsubstantiated allegation, in a systematic selection of individual victims or groups of victims. This follows the same pattern used by Serbian authorities in targeting influential members of the Kosovo Albanian community. Other individuals are being targeted on suspicion of "complicity" in gross violations of human rights, 55/ while some of the reported incidents seem to be fishing operations directed at Serbs for being Serbs. 56/ However,

violence and harassment are not limited to inter-ethnic conflict. As of mid-August, Albanians made up nearly half the casualty figures for violent deaths.

102. The KLA reportedly has been threatening employees of international organizations who are seen intervening on behalf of minorities, accusing them of collaboration. Some victims of ethnic violence have reported that their assailants included men in KLA uniforms, although it is possible that much of the violence is simply the work of criminal elements masquerading in uniforms of the KLA. Open borders have in fact allowed the large-scale arrival of criminal elements, particularly from Albania. It has also been noted that KLA uniforms are available for about DM 50 in Albania and that Albanian-national men with no relationship at all to the KLA can use the uniform as a passport through the German KFOR sector of Kosovo.

1. Murder

103. As of 14 August, 280 murders had been confirmed by KFOR to have been committed in Kosovo since 15 June. The brutal massacre of 14 Serbian farmers, women and children in the village of Staro Gracko, Lipljan municipality, on 23 July 1999 represents the most appalling crime committed since KFOR and UNMIK were deployed in Kosovo. In Klokot, unidentified attackers fired mortar rounds in August killing a 14-year-old girl and a 16-year-old boy. On 15 August, an elderly woman was beaten to death in her flat in the centre of Pristina; on 2 August, a woman and her 10-year-old daughter witnessed the murder of her elderly father in their flat in Pristina.

2. Evictions

104. Kosovar Serbs and other minorities continue to be forcibly evicted from their places of residence. The methods employed vary from physical force and harassment to those which evidence an attempt to ensure the legal loss of the property under a subsequent property scheme. One such example in Pristina, which unfortunately echoes schemes used in other parts of the Balkans, is the forced signature of a document transferring the property ownership or occupancy to person or persons who seize the property under threat. 57/ KLA "military police" are called to respond to cases of eviction and in the absence of clear civil law and ownership use their own methods for resolving the dispute.

105. In Pristina and Prizren, houses presumably owned by Serbs 58/ which have been destroyed either by fire or explosion have been razed and all traces removed within days of the destruction. This complete destruction of the housing structure not only eliminates evidence of a crime, but will likely frustrate the ability of the owner to make a property claim, particularly given the likelihood that a new structure will be constructed on the lot in the interim. Such activities appear to go on outside the effective control of UNMIK as the civil authority and under normal circumstances could only be sanctioned by the local governing authorities. In Prizren, however, UNMIK is attempting to exert its authority by taking action against illegal construction.

3. Rape

106. Several cases of rape, including of elderly women, have been reported to OHCHR. OHCHR visited a 61-year-old Serb woman who had been raped in Pristina. She stated that she remained in Pristina because she believed that her honesty and her age would be respected. On 15 July, one person entered her flat, grabbed her by the hair and put a pistol to her head. Three other men also entered the apartment. She was pushed to the floor of her kitchen and hit with a gun several times, and she was raped by two of the men.

4. Kidnapping

107. Kidnapping, primarily of ethnic Serbs and some Roma, continues in numerous areas including Gnjilane, Pristina, Prizren and Djakovica. Approximately 110 new kidnapping cases have reportedly occurred since the arrival of UNMIK, and OHCHR has received a list of 80 names of specific persons (43 from Pristina alone) kidnapped since 15 June. The military police in Pristina and Mitrovica report that unless kidnap victims are found quickly, i.e. within a matter of hours, they will most likely be found dead.

108. In Pristina, the bodies of kidnap and subsequent murder victims tend to be found in the same parts of town and evidence similar forensic patterns, leading police to believe that the same perpetrators are involved. In Mitrovica, the military police report that none of the recent kidnap victims have been found alive. OHCHR has conducted interviews with several women who have taken refuge in the Orthodox Church Patriarchy in Pec concerning the kidnapping of their male family members. In the Djakovica area, OHCHR conducted similar interviews with family members, including an interview concerning the abduction of a 16-year-old mentally disabled Roma boy. According to OSCE, 59/ kidnappings in the Gnjilane and Orahovac areas "are beginning to form a disturbing pattern".

109. KFOR has located some detention centres maintained and controlled by the KLA. At least two of them, in Prizren and Gnijlane, were described as containing instruments of torture.

110. KFOR has also reported that young Albanian women have been abducted near Gnjilane, by what is believed to be a trafficking ring which forces the women into prostitution.

E. Missing persons and the identification of dead bodies

111. Special problems are posed regarding missing persons. It is still unknown how many persons are buried throughout Kosovo, where such graves might be, and who is buried in them. Reports come in daily to KFOR, OSCE, UNHCR and ICRC field offices of discovered bodies. Agencies have developed a standard form for identification of the bodies which, when completed, is centralized with the ICRC, so as to support its lead role in tracing. At the same time, local doctors and hospitals, largely under the broad KLA "civil administration" 60/ are issuing ad hoc death certificates, but it is questionable whether these have a legal character.

112. Although the International Criminal Tribunal for the Former Yugoslavia (ICTY), the International Commission on Missing Persons in the Former Yugoslavia, ICRC and others have been working together to provide information to families, a special effort will be needed not just to gather information that can be useful for identification purposes, but to provide counselling and support to family members.

F. Administration of justice - the judiciary

113. In response to the arrest and detention of persons by KFOR, and in the absence of a functioning judiciary in Kosovo, the Special Representative of the Secretary-General, Mr. Bernard Kouchner, adopted emergency decrees establishing a Joint Advisory Council on Provisional Judicial Appointments (JAC). JAC is composed of four national judges, including two ethnic Albanians, one Serb and one Turk, and three international lawyers, including one from OHCHR. JAC advises the Special Representative on the provisional appointment of judges, judicial personnel and prosecutors in order to re-establish an independent and multi-ethnic judiciary.

114. The Pristina district court has travelled around Kosovo to review the legality of continued detention of persons held by KFOR on suspicion of theft, looting, arson, murder, rape and other crimes. Since there is only one court level so far, it is responsible for adjudicating all types of criminal offences, from minor to serious.

115. As of mid-August, the judges and prosecutors had conducted hearings in 144 cases involving 263 individuals, 120 of whom have been released. Prior to the detention hearings before the provisional judiciary, KFOR legal personnel had reviewed the detentions in hearings based on a KFOR regulation and varying procedures based on contingent national laws. Decisions of the investigating judge can be appealed to a panel of three judges.

116. The significant number of releases may be a result of the fact that many persons appear before the tribunals charged with relatively minor offences and their continued detention is deemed unnecessary, although the criminal proceeding will continue. There is a concern, however, among KFOR legal personnel that the judges are overly lenient in granting release. The problem of KFOR locating witnesses, which it is required to do for detention hearings, also makes it more likely that release will be ordered or charges dropped.

117. OHCHR has monitored the initial reviews conducted by the mobile judiciary and visited KFOR detention centres and examined the workings of the recently appointed judiciary in Pec, Lipjane, Bondsteel (at the United States KFOR base) and Prizren, attending detention hearings as well as meeting with court personnel and KFOR military police. As of mid-August, the Prizren court had heard 17 cases; the proceedings related to the review of the legality of the detention of persons, mainly Albanians, arrested by KFOR.

118. Three judges have refused to begin their work, protesting the continued application of Yugoslav law under UNMIK regulation No. 1. Under this regulation, the law applicable in Kosovo before 24 March 1999 continues to apply insofar as it does not conflict with internationally recognized standards, UNMIK regulations or Security Council resolution 1244 (1999). The

three judges and others contend that the Kosovo Criminal Code, in effect until the late 1980s, should be applied. In a related matter, some ethnic Albanian defendants in Bondsteel (where detainees from Gnjilane region are detained) refuse to speak to the Serbian judge who was assigned for their hearing.

G. Detainees

119. Allegedly, some 5,000 detainees in various phases of court proceedings on terrorism charges were moved by Serbian authorities to prisons in Serbia during the war.

120. In July, the Government of Serbia provided the names of over 2,000 individuals who were transferred from prisons in Kosovo to prisons in Serbia proper. The information indicates only the names of individuals and the place of detention; it does not specify the criminal basis for detention. 61/

121. The issue of transferred detainees is an extremely potent and emotional one for family members in Kosovo and is the subject of frequent demonstrations making demands for action by UNMIK and the international community. Groups representing detainees contend that there are many more persons who were last seen in the custody of Serbian military and police than those named on the lists.

122. Family members in Kosovo have difficulty visiting detainees in Serbia given the fears for the security of Albanians in some parts of Serbia. Some family members have also reported being denied access to their family members in detention. Family members who have succeeded in visiting their relatives in detention have expressed concern about the conditions of detention in prisons such as Srmeska Mitrovica and Pozaravac. Groups representing the detainees seek the release of these prisoners or at least their transfer back to prison facilities in Kosovo. 62/

H. Human rights consequences of the war outside of Kosovo

123. Several hundred Albanians have been expelled from southern Serbia into the Gnjilane district of Kosovo. In the east, ethnic Albanians from the Serbian towns of Medvedja, Bujanoc and Preshevo, which lie just beyond the Kosovo boundary, continue to arrive in Gnjilane. According to the provisional authorities in Gnjilane, 320 families (3,227 persons) have arrived from these towns, reporting that they were evicted by Serb police and the Yugoslav Army.

124. Reciprocally, UNHCR reports that approximately 4,000 Serb displaced from the Gnjilane area have now been registered in the adjoining area of Serbia. Reportedly, there are some 170,000 Kosovo Serb IDPs inside the FRY. They are disliked by the Government because they represent the failure of the Government's policy in Kosovo and allegedly are being herded around Serbia, prevented from settling in Belgrade and from registering their children in school.

125. In the past 10 years 20,000 refugees went to Montenegro from Bosnia and Herzegovina, 10,000 from Croatia and 70,000 IDPs from Kosovo. Of the 70,000 from Kosovo, 20,000 remain of those who went last year and 8,000 still remain

from the recent war. Montenegro has taken in far more persons than its capacities allow. In addition, it has not received the necessary support from the international community.

126. According to a census done in 1991, Albanians constitute about 7 per cent of the entire population in Montenegro. They are living in five municipalities: Ulcinj, Bar, Podgorica, Plav and Rozaje. Two Albanian political parties have called for a special status for Albanians in Montenegro and to have representatives in the Montenegrin Parliament. However, the prevailing opinion among all relevant political parties in Montenegro, except the two Albanian parties, is that Albanians have no need for any kind of special status. On the other hand, neither Albanian political leaders nor their representatives in Government are sure what the term "special status" should mean. From discussions of the Special Rapporteur and the High Commissioner with Montenegrin authorities, it emerged that in the north there is a fear of a repetition of what happened in other areas, as part of an established strategy of disrupting multi-ethnic communities.

127. During the NATO campaign, the Government of President Milo Djukanovic criticized and opposed Serbia's ethnic cleansing in Kosovo and, despite intense pressure from Belgrade, hosted Kosovo refugees. International observers warn that Montenegro seems to be moving towards independence 63/ from Serbia and that an important minority of Montenegrins would resist this. For these reasons, the Republic of Montenegro is increasingly considered to be the likely next site of instability in the Balkans.

128. In the Republic of Serbia, with the lifting of martial law, public political activity has resumed. Hundreds of thousands of persons have participated in peaceful demonstrations and petition campaigns in several locations in Serbia, demanding the ouster of President Milosevic.

IV. CONCLUDING OBSERVATIONS

129. This report once again confirms that Serb forces committed shocking crimes during the NATO air campaign which commenced on 24 March 1999. The High Commissioner continues to believe that it is essential that those responsible for such criminal violations be brought to justice. In this respect, OHCHR supports fully the ongoing investigations of the International Criminal Tribunal for the Former Yugoslavia. In submitting this consolidated report, the High Commissioner wishes to stress that the international community cannot accept that those who are responsible for such terrible atrocities would go unpunished.

130. As the present report has shown that, alas, the situation of the Serb, Roma and other minority communities since the withdrawal of Serb forces has been a painful one. Killings, oppression, harassment, intimidation, expulsion, rape and other violations continue to take place at an alarming rate, particularly targeting the non-Albanian communities of Kosovo. This is a distressing situation for a number of reasons. In the first place, it cannot be accepted that a campaign to vindicate the rights of the Kosovar Albanians would be followed by a campaign of atrocities against the Serb, Roma and other minority communities. In the second place, it is a matter of deep anguish that international forces present in Kosovo have not yet been able to

extend effective protection to these en angered communities. The fact that these communities are effectively disappearing from Kosovo raises serious concerns. In the third place, there is no Government as such to which the international community can address itself, and human rights special rapporteurs and working groups are left to address themselves to the Special Representative of the Secretary-General. As is well known, the Special Representative and his staff are dependent on the physical protection that can be extended to these endangered communities by the international forces present on the ground.

131. The High Commissioner considered it a matter of conscience to bring this situation to the attention of the Commission on Human Rights because what is involved is, in fact, a situation of endangered communities without adequate protection. The High Commissioner should like to invite the members of the Commission on Human Rights to consider how the international community can discharge its duty of protecting endangered communities in a situation that is unfolding in full view of the international community. The Commission on Human Rights may wish, after considering this situation, to address appropriate recommendations to the Security Council and to others directly involved with a view to urgent measures being taken to respond to the duty of protection that is incumbent upon the international community.

V. RECOMMENDATIONS

132. The High Commissioner attaches the highest importance to investigation of the crimes committed by the Serbian forces during the conflict in Kosovo and to efforts to bring the perpetrators of such crimes to justice. In this context, the High Commissioner urges Member States to provide the ICTY with the support and resources necessary to carry out this essential task.

133. The High Commissioner calls upon the ICTY, ICRC and OSCE to maintain their efforts to investigate the fate and whereabouts of missing persons.

134. The international community should support UNHCR and other agencies engaged in the effort of providing 500,000 Kosovars with proper accommodation before the onset of winter.

135. The High Commissioner supports UNICEF's efforts to ensure that all Kosovar children will be back in school as soon as possible and stresses the necessity of rebuilding damaged and partially destroyed schools and speeding up the process of demining.

136. The High Commissioner recommends the rapid deployment of United Nations police as the key step in guaranteeing respect for law and order and creating a safe environment for all inhabitants of Kosovo.

137. Particular importance should be given to the re-establishment of customs control at the borders so as to avoid the free access of criminal elements to the territory of Kosovo and to combat the phenomenon of trafficking of women and children.

138. The High Commissioner attaches the highest importance to the preservation of a multi-ethnic Kosovo in which human rights of all inhabitants

are respected. However, the High Commissioner recognizes that priority must be given to the effort of saving lives of people at risk. In this respect she supports the humanitarian evacuation programme undertaken by UNHCR but stresses the necessity of preparing conditions for the safe return of all displaced Kosovars.

139. The High Commissioner calls upon the population of Kosovo to refrain from violence and to put an end to attacks against Serbs, Roma and other minority groups. The High Commissioner calls upon the Albanian leaders to condemn these acts of violence and invites the KLA to cooperate with UNMIK and KFOR in investigating such crimes.

140. The High Commissioner calls upon neighbouring countries to ptovide the appropriate protection to those fleeing Kosovo in fear of persecution and upon the Government of FRY to respect the rights of Kosovar IDPs, in accordance with the Guiding Principles on Internal Displacement, and to protect the rights of Albanian minority groups.

141. The High Commissioner calls upon the Government of Serbia to provide an updated list of all detainees transferred from Kosovo, specifying the charges, if any, under which persons are detained, and to guarantee their families access to them.

142. The High Commissioner stresses the need to investigate swiftly allegations of KLA detention centres, killings, rape, torture, arson, expulsion, looting, theft and other violations of the rights of all inhabitants of Kosovo, regardless of their ethnicity.

143. As part of the measures necessary to the creation of a safe and secure environment for all Kosovars, the High Commissioner urges UNMIK to proceed to the complete demilitarization and disarmament of the KLA.

144. The High Commissioner stresses the importance of involving Kosovars in civil reconstruction and in United Nations decision-making processes.

145. The High Commissioner urges the international community to take all necessary steps to assess and redress from a broad humanitarian perspective the effects of the NATO campaign on the civilian population of FRY. In particular, the High Commissioner urges that similar efforts to those undertaken in Kosovo be made to ensure that Serbian children can return safely to school.

146. The High Commissioner also calls upon the international community to pay particular attention to the situation of human rights in the Republics of Serbia and Montenegro and to take all the necessary steps to prevent the outbreak of violence and to strengthen democracy in the region. In this context, the High Commissioner stresses the importance of designing long-term strategies for the promotion and protection of human rights in the Balkan region and of improving coordination and cooperation among international actors to promote a culture of respect for human rights and tolerance.

Notes

1/ Dragodan, Vranjevac, the hospital neighbourhood, etc.

2/ Maticane, Zlatare and Kojlovica.

3/ In Mramor and Kolic villages many civilians died as a result of this offensive.

4/ Bradas, Donja Dubnica, Donja Pakastica, Hrtica, Majance, etc.

5/ Estimates given by interviewees of the number of IDPs ranged from 20,000 to 40,000.

6/ Malisevo, Dragobilje, Ostrozub among other villages.

7/ Smolusa, Marevc, Glavica, Oklap and Slovinje.

8/ A cross with a Cyrillic C in each angle.

9/ Kamena Glava, Zlatare, Staro Selo, Biba and Varos Selo, among others.

10/ Four civilians were killed and eight wounded by a grenade in Zlatare.

11/ Inhabitants of Zlatare fled to Slatina, Kacanik municipality, from where, in mid-May, they were further expelled by the police and escorted to the border.

12/ Allegedly IDPs were escorted by paramilitary troops to the villages of Musutiste and Selograzde and to Prizren.

13/ Like the village of Grejcevce.

14/ People walked from Zur, municipality of Prizren, to Morina, Albania.

15/ Dobrosevac, Gladno Selo, Novo Cikatovo, Godance, Gradica, Likosane, Stutica, among others.

16/ Baks, Donje Prekaze, Gornje Prekaze.

17/ Izbica, Rudnik, Ozrim, Leocina, Kladernica.

18/ Palivodenica, Gajre, Kotlina, Bob.

19/ Allegedly around 1,000 persons.

20/ In the municipality of Podujevo, for example, Serbian aircraft reportedly launched two rockets on a village killing 30 civilians; in March eight people died as a result of a grenade explosion in Prizren.

21/ On 27 March, in Belanica, Suva Reka municipality, Serb forces reportedly surrounded the village, precluding any escape, and then gathered the villagers in an open space to extort money and valuables from them. Those who had no money were taken to a private house and shot dead. Similar cases are reported in Celina, Orahovac municipality, and in Slovinje, Lipljan municipality.

22/ Some of these incidents allegedly took place in Maticane, Urosevac, Glogovac and Staro Selo. In Mramor, a man who had been previously wounded by a grenade was executed in his house because he was suspected of having been injured while fighting against Serbian forces.

23/ In Kacanik, local Serbs and police officers prepared a list of all Albanians affiliated with different political organizations and went house to house to question them. Some men were killed in the process. An interviewee indicated that in Djakovica, in the early stage of the bombing campaign, postal workers provided lists of addresses of targeted groups and individuals. Concerning Pristina, OHCHR interviewed an eyewitness to the murder of the Kosovo Albanian lawyer Bajram Kelmendi and his two sons. They were seen being taken out of two white police jeeps. Mr. Kelmendi was asked to kill one of his sons and refused to do it, then his older son was asked to kill his father and he also refused. Then police officers asked Bajram Kelmendi whom they should kill first, and in spite of the desperate appeal of the lawyer they shot his two sons dead in front of him, and 30 seconds later they shot him as well. In Stimlje, a father and son were killed because they had rented their house to an OSCE officer. In Kosovo Polje two men were stopped at a police checkpoint while going to repair their television and killed because they were accused of wanting to watch "NATO air strikes". In Orahovac a young man was killed because he had a KLA emblem in his wallet.

24/ In the municipality of Gnjilane, on 6 April, five men who had returned to their village were ordered to lie face down by paramilitary forces and then shot dead. In Lipljan municipality (Smolusa), after a first round of forced displacement, a group of inhabitants decided to go back to their homes. Paramilitary groups and police forces returned to the village and killed them. Similar events were reported in Vitina, Verban and Stagova.

25/ In the village of Gladno Selo, Glogovac municipality, paramilitaries set houses on fire killing as many as 45 civilians, mainly elderly women. In Suva Reka as many as 350 civilians were allegedly killed in the process of displacement. In Pristina, while forcing people to the railway station the police killed several civilians.

26/ In Grastica, 30 young men were taken out of a convoy and shot dead; in Kralan, two wounded women were asked to get off a tractor and, since they couldn't because of their injuries, they were burned alive on the tractor; in Kolic, Serb forces fired into a group of IDPs, allegedly killing 91 civilians.

27/ In the village of Vrbovac, Glogovac municipality, upon retreat of KLA, a group of about 50 civilians was caught, ordered to gather in rows, tortured and executed by paramilitary forces. In Srbica, after a KLA offensive and subsequent withdrawal, 5 old men were killed. In Pusto Selo

after fighting between KLA and Serbs in the area, Serb forces by way of reprisal allegedly executed 106 persons after having humiliated and mistreated them.

28/ The police were seen transporting some 40 bodies in Kosovo Polje in early April. In Kacanik paramilitary groups and some Romas were observed digging holes with bulldozers after the massacre at "Racak stream" . In Slovinje, Liplijan municipality, Serbian forces buried 16 bodies and the day after ordered the relatives of the executed to exhume the bodies and re-bury them in a cemetery.

29/ For example, Romas were allegedly observed burying bodies of Kosovo Albanians executed in Rezala, Srbica municipality, after Serb forces had exhumed them. In Vucitrn, Romas allegedly buried some 100 Kosovo Albanians who had been killed by "snipers". In Grastica, Pristina municipality, some Romas were reportedly observed loading a tractor with dead bodies.

30/ For example, in Kisnica/Pristina, on 25 March, paramilitary groups wearing red bandanas, black masks and camouflage uniforms entered a house and started robbing and killing the inhabitants one by one, until a police officer arrived and stopped them.

31/ Russian mercenaries were reportedly present among other places, in Glogovac, Djakovica, Srbica.

32/ In Kacanik, boys as young as 17 were killed; in Bela Crkva three children, respectively six, four and three years old, were shot dead by Serb forces.

33/ In Grastica, for example, children were threatened with knives.

34/ Cases of this nature reportedly took place in Miratovc and Preshevo. In Staro Selo, paramilitary groups went house to house to question suspected KLA supporters and killed several males in the process, including a 15-year-old boy.

35/ Cases of this nature were reported in Vrani Do, Lipljan and Krusha e Made.

36/ On 30 June 1999, in Pristina, the High Commissioner for Human Rights met the Chairperson of the Centre for Protection of Women and Children. The Chairperson said that the number of unreported cases of rape in Kosovo was very high. She also said that in Kosovo two different forms of rape were common: biological rape and gun-rape and that both women and men were allegedly victims of rape before and during the war.

37/ In Cirez, when IDPs were surrounded young women and girls were taken away for one night by army soldiers. In Vranjevac, a woman was raped in her house and her husband was killed while trying to protect her. In Kolic, paramilitary troops, allegedly Arkan's, during the attack against the village abducted a number of women. In Ponesh, paramilitaries entered a house and raped a 20-year-old woman in front of her mother.

38/ In Pristina, the departure of one train was delayed for six hours. During this time, many paramilitaries boarded the train and raped 10-15 young girls in front of all, including young children.

39/ In Gladno Selo, for example, when the village was attacked, many women were allegedly killed and their ears cut off. In Celine, IDPs were surrounded, women and men separated, young women separated from older women, and then beaten and obliged to undress. The ears of at least 20 women were allegedly mutilated while a lesser number had their fingers severed.

40/ Gladno Selo, Vrbovac, Baks, Donje Prekaze, Gornje Prekaze.

41/ Nearly 200 men were detained in the mosque at one point.

42/ IDPs escaping offensives in the Golak and Lap region.

43/ Some interviewees describe convoys 2-3 km long.

44/ Two hundred men detained on 30 April.

45/ Three young men were abducted by Serb paramilitary troops in the hills near Vrbovac in Glogovac. They were interrogated on the spot and accused of being KLA members. One of the interviewees was hit on the head with a rifle, the second victim was stabbed in the arms and the third was shot dead. The two survivors were later detained in the mosque at Cirez, where the interviewee and others were severely hit in their kidneys with a wooden stick. In the city hall, detainees were severely beaten with police batons and metal bars. Shortly afterwards, they were transported to the police station in Pristina and detained in "Building 92". The inhabitants of Vucitrn were rounded up in a square at the end of May, whereupon some 250 men were separated from the rest and detained in a sports hall for three days. They were denied food and water, forced to sit for 10 hours on steps with the upper part of the body bent down, and given water mixed with diesel fuel.

46/ Prisoners were taken in turns to a private house in the city, where their hands were tested for gun smoke and powder. They were forced to face the wall with legs spread and kicked in the genitals. They were furthermore hit with police batons in the limbs and kidneys. Similar treatment occurred in "Building 92" and the city jail.

47/ In Smirkovnica, detainees were given food once a day: 500 g of bread and some cookies for six persons and 50 litres of water for 500 prisoners. The interviewee stayed in a cell of 4 x 4 metres together with eight other men, but having 50 men in one cell was not uncommon. Prisoners were held in cells for up to 24 hours without being allowed to use the toilet.

48/ For example, in Cirez at the end of March.

49/ IDP convoys targeted by paramilitary groups in Grastica were brutally robbed and many persons allegedly killed or injured because they failed to provide the demanded amount, which in some cases was as high as DM 1,000.

50/ The Ministry of Foreign Affairs of the Federal Republic of Yugoslavia has published two volumes of a survey of civilian casualties provoked by NATO intervention: NATO Crimes in Yugoslavia, Documentary Evidence.

51/ On 18 April, eight people were killed by Yugoslav Army fire in Kaluderski Laz, near Rozaje. OHCHR received several reports of military police and reservists within or immediately outside northern Montenegro stopping civilian buses and taking away large groups of men before permitting women and children in the buses to go further. One such group of approximately 102 men was taken away at Bozaj on 30 May and, after a media and international organization outcry, was returned to Montenegro along with 56 others the same day. Some of the men described being robbed and beaten along a gauntlet of army reservists, after which a group of 10 were forced to engage in sexual acts while others were made to watch.

52/ Albanians from south-eastern Serbia are still particularly susceptible to charges of "collaborationism" from more extreme elements within the Kosovo Albanian community.

53/ OHCHR has received reports that "politically suspect" Albanians are being called in by KLA "police" for "informative talks".

54/ It has been reported to OHCHR that some 10 Bosniaks, primarily elderly, have been killed by ethnic Albanians, some reportedly in KLA uniforms, in the vicinity of Pec. There are also reports that Bosniaks have simply gone missing in the region of Prizren and Klina.

55/ The High Commissioner during her visit to Kosovo visited a Roma camp in Kosovo Polje where she met a man who had been repeatedly beaten for his supposed support to the ethnic-cleansing campaign carried out by Yugoslav police, military and paramilitary forces.

56/ According to several reports, KLA "parallel" civil administration has issued instructions to its representatives to report the whereabouts of Serb-owned houses and the number of Serbs still living in them.

57/ In Pristina, in early August, four Serb women were forced under threat to sign contracts giving their flats to Albanian families.

58/ The apartments that are being taken over first are empty apartments and those with Serb nameplates on the doors. However, just because an apartment has a Serb nameplate does not mean that the property actually belongs to a Serb. The Serbian Law on Real Property forbids the cross-ethnic sale of property by Serbs to Albanians without the prior approval of a government body in Belgrade. Such approval was virtually never granted, so individuals entered into private transactions, retaining normal registration and external identification with the Serb "owner". Marauding and desperate Kosovo Albanian apartment-occupiers, seizing property with Serb nameplates, are displacing Kosovo Albanian residents.

59/ Weekly mission report, 29 July-4 August 1999.

60/ Parallel institutions which existed during the past 10 years have quickly resurfaced and present a constant challenge to the assertion of UNMIK authority. Indeed, there is no way that UNMIK can compete in terms of speed of development of institutions, given the Kosovar Albanians' past experience of running parallel institutions separate from those of the "official government", language, staff, etc. An alternative civil administration is firmly established in most or all locales in which OHCHR is working or has visited such as Gnjilane, Drenica, Djakovica and Malisevo. This civil administration affects all levels of civic life including police, who have identification cards permitting them to carry weapons and detain people. In an effort to assert control in the different UNMIK regions, UNMIK Regional Administrators have convened the Transitional Municipal Authorities which are chaired by the Regional Administrator and composed of Kosovar members.

61/ Some of these cases were brought to the attention of the High Commissioner during her last visit to Kosovo. In particular, the High Commissioner met with the husband of Dr. Flora Brovina, a human rights activist transferred to a prison in Serbia during the war. Allegedly, her lawyer was denied access to her and she was not being provided with necessary medical care. The High Commissioner, upon return to Geneva, transmitted the information on this case to the special procedures of the Commission on Human Rights for follow-up action.

62/ Of 420 prisoners from Prizren charged with terrorist crimes before 24 March 1999, 320 have been identified by local lawyers as being included on the list made public by the FRY Ministry of Justice. Lawyers from Prizren have requested the United Nations to demand the transfer of the Kosovar prisoners back to Kosovo and the jurisdiction of UNMIK. In Gnjilane, OHCHR interviewed an individual who had been transferred from detention in Gnjilane to Vranja prison (inside Serbia proper) in mid-June along with a full busload of detainees (approximately 45). He was, however, released within a few days of the end of NATO hostilities and returned to Gnjilane. He provided information about mistreatment during his detention.

63/ The Government of Montenegro adopted a platform proposing substantially diminished authority of the federal State in an "association" of Serbia and Montenegro.